

# EXHIBIT A

## Andrew W. Breland

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**From:** Andrew W. Breland <ABreland@kasowitz.com> on behalf of Andrew W. Breland  
**Sent:** Tuesday, December 27, 2022 4:15 PM  
**To:** lthompson@morrisoncohen.com; awill@morrisoncohen.com; mmisbah@morrisoncohen.com; dscharf@morrisoncohen.com; kroy@morrisoncohen.com; bdockwell@morrisoncohen.com  
**Cc:** David E. Ross; David J. Mark; Daniel J. Koevary  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Thanks Latisha. We'll get this on file.

Andrew

---

**From:** Thompson, Latisha V. <lthompson@morrisoncohen.com>  
**Sent:** Tuesday, December 27, 2022 4:12 PM  
**To:** Andrew W. Breland <ABreland@kasowitz.com>; Will, Amber R. <awill@morrisoncohen.com>; Misbah, Mahnoor <mmisbah@morrisoncohen.com>; Y. David Scharf <dscharf@morrisoncohen.com>; Roy, Kristin <kroy@morrisoncohen.com>; Dockwell, Brett D. <bdockwell@morrisoncohen.com>  
**Cc:** David E. Ross <DRoss@kasowitz.com>; David J. Mark <DMark@kasowitz.com>; Daniel J. Koevary <DKoevary@kasowitz.com>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

We are signed off.

Thank you.

### Latisha V. Thompson

*Partner & Vice-Chair, Business Litigation*

*She/her/hers*

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[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>  
**Sent:** Tuesday, December 27, 2022 3:47 PM  
**To:** Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

**CAUTION:** External sender. Verify before continuing.

Following up on the call, attached is a draft letter to the Court with the agreed-upon deadlines for production. Please let us know if we have your sign-off to file this.

Thanks,  
Andrew

---

**From:** Andrew W. Breland

**Sent:** Tuesday, December 27, 2022 9:04 AM

**To:** 'Thompson, Latisha V.' <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Thanks Latisha. 2:00PM works for us. We'll send a conference dial-in. Please provide the hit reports as soon as you can.

Andrew

---

**From:** Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>

**Sent:** Monday, December 26, 2022 12:09 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Hi Andrew,

We are available for a call tomorrow after 2. Please let us know what works best. We will circulate the search hits in advance of our call.

**Latisha V. Thompson**

*Partner & Vice-Chair, Business Litigation*

*She/her/hers*

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Friday, December 23, 2022 10:54 AM

**To:** Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

**CAUTION:** External sender. Verify before continuing.

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All,

Following up on the order entered this morning, please let us know when we can expect 1) the hit reports we first requested two weeks ago and which you agreed to provide by last week, 2) when you expect to begin production of documents, and 3) when you expect to complete your full production of documents in response to the requests we have agreed to. We are available to discuss on the phone today or Tuesday.

Thanks,  
Andrew

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**From:** Andrew W. Breland

**Sent:** Wednesday, December 21, 2022 10:15 AM

**To:** 'Will, Amber R.' <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; 'Thompson, Latisha V.' <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; 'Misbah, Mahnoor' <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; 'Y. David Scharf' <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; 'Roy, Kristin' <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; 'Dockwell, Brett D.' <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Latisha and Amber,

Following up on the below, please let us know when you expect to begin production of documents. We also are still waiting on the search term hit counts you agreed to provide nearly two weeks ago. We would prefer not to have to raise these issues with the Court. But given that there is now less than two months until the close of fact discovery, we may be forced to do because of the delays in receiving any information.

Andrew

---

**From:** Andrew W. Breland

**Sent:** Friday, December 16, 2022 1:24 PM

**To:** 'Will, Amber R.' <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Thanks for confirming Amber. We still don't agree that those categories of documents are not relevant, but we're willing to review your production in response to these requests to determine whether additional documents are necessary. Please let us know when we can expect production of documents to begin, especially given the existing discovery schedule.

Andrew

---

**From:** Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Sent:** Friday, December 16, 2022 10:36 AM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Hey Andrew,

Latisha is traveling right now and may respond further a little later today. But, consistent with our call last week Thursday, we consent to searching for and producing responsive, non-privileged documents and communications to the narrowed requests listed in your email. We will exclude from the production the two categories of documents we identified on that call and followed up with in writing, which I include below:

- Documents and communications related to the purchase by Lender of the Mortgage Loan; and
- Documents and communications concerning the potential private sale of the Mezzanine Loan.

These categories of documents are not at issue in the litigation. To be clear, we are producing documents and communications relating to the Equity Investment (Narrowed Request No. 19) and are not excluding them from the two categories of documents listed above.

Thanks.

**Amber R. Will**

*She/her/hers*

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---

**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Friday, December 16, 2022 9:05 AM

**To:** Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

**CAUTION:** External sender. Verify before continuing.

Thanks Latisha. We appreciate that you are pushing to get the information, but also are cognizant of the discovery schedule Judge Woods set for this case.

We generally agree that the remaining issues may be able to be resolved between the parties, but it was not clear to us that we had agreement on the scope of discovery. In particular, we did not get confirmation that you agreed to produce in response to our versions of the "narrowed requests," which I have reprinted below. Please confirm that you are willing to produce documents in response to each narrowed request.

With regard to the two categories of documents you intend to withhold, we believe at least the first category absolutely is relevant to this action. We have asserted that, among other things, actions by the previous Mortgage Lender in preventing the "Equity Investment" (defined in our requests) precludes relief in this case. As Judge Woods indicated at the conference on December 1, there are potentially questions as to the nature of your client's taking ownership of the Mortgage Loan and their knowledge at the time that are relevant. Thus, documents and communications related to the purchase of the Mortgage Loan are relevant.

On the second ("Documents and communications concerning the potential private sale of the Mezzanine Loan."), we are willing to let you exclude these document from your initial production. However, given that we have already substantially limited the documents we are requesting at this time, we likewise reserve the right to seek production of these documents when we have seen your production.

Given timing constraints today and the Monday deadline, please let us know your position by no later than noon today.

Andrew

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**Narrowed Request No. 5:** Non-privileged Documents and Communications reflecting the drafting and negotiating of Section 5.2.2 of the Mezz Loan Agreement (as defined in the Complaint) from a time period of 01/01/2018-05/08/2018.

**Narrowed Request No. 10:** Documents concerning and Communications with Amtrak concerning Union Station from a time period of 05/01/2020-06/14/2022.

**Narrowed Request No. 12:** Documents and Communications with existing or prospective tenants at Union Station from the time period 05/01/2020-04/14/2022.

**Narrowed Request No. 13:** Documents and communications with real estate brokers concerning Union Station from the time period 05/01/2020-4/14/2022.

**Narrowed Request No. 18:** Documents and Communications concerning Lender's right to negotiate settlement discussions in the Condemnation Action pursuant to Section 5.2.2 from the time period of 01/1/2022- 06/14/2022.

**Narrowed Request No. 19:** Documents and Communications relating to the Equity Investment from the time period of 01/01/2021-01/05/2022.

**Narrowed Request No. 20:** Communications with Blackrock relating to Union Station from the time period of 01/01/2021-01/05/2022.

**Narrowed Request No. 21:** Communications with SL Green relating to Union Station from the time period of 01/01/2021-01/05/2022.

**Narrowed Request No. 22:** Communications with Wells Fargo relating to Union Station from the time period of 01/01/2021-01/05/2022.

---

**From:** Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>

**Sent:** Thursday, December 15, 2022 6:10 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Hi Andrew,

We are continuing to work through some logistical issues with our vendor, but we are pushing on getting you hit counts as soon as we can. That said, as long as we have agreement on the scope of the discovery, it seems like the tailoring of search terms is an issue that can be resolved between the parties. With respect to the only open issue on scope of discovery—Lender's identified categories of documents it does not intend to produce—does USSM have any objection?

Thank you for your patience.

**Latisha V. Thompson**

*Partner & Vice-Chair, Business Litigation*

*She/her/hers*

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---

**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Thursday, December 15, 2022 9:59 AM

**To:** Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

**CAUTION:** External sender. Verify before continuing.

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Latisha,

Please give us an update on the search terms. Last week, you told us that you expected to have them by Monday, December 12. It's now the 15th, and we've heard nothing from you. We wrote the Court last week in good faith, explaining that we believed we could resolve the outstanding discovery related disputes this week. But given this delay, which has gone far beyond any reasonable period to run search terms and provide hit counts, especially when using a

third party vendor, if we do not receive the information by 2:00PM today, we may be forced to go to the Court with this issue.

Thanks,  
Andrew

---

**From:** Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>  
**Sent:** Tuesday, December 13, 2022 12:03 PM  
**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Hi Andrew,

Technology being what it is, we are still waiting for an update from our vendor. We will provide the information, as soon as we can.

**Latisha V. Thompson**

*Partner & Vice-Chair, Business Litigation*

*She/her/hers*

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---

**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>  
**Sent:** Tuesday, December 13, 2022 11:19 AM  
**To:** Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

**CAUTION:** External sender. Verify before continuing.

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Latisha, Amber, and Mahnoor,

Following up on the below, we were expecting to hear from you about hit counts to our proposed search terms yesterday. Please let us know when you have them and if it makes sense to get on a call to discuss today or tomorrow.



Thanks,  
Andrew

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>  
**Sent:** Wednesday, December 7, 2022 5:04 PM  
**To:** Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Latisha, Amber, and Mahnoor,

Thanks again for the call yesterday. As discussed, we put together an initial list of search terms or and other search limiters that we hope will move our conversation forward. That said, we are sending these with the explicit reservation of our right to supplement or add new terms as our conversation progresses. We expect that will not be an issue since we specifically discussed altering any search protocol proposals in response to overly burdensome numbers of hits in your client's emails. The terms we are initially proposing are written out in the attached document.

We look forward to discussing these and any other terms or search suggestions you propose tomorrow at 1:00PM. I will send a calendar invitation and dial-in shortly.

Thanks,  
Andrew

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>  
**Sent:** Tuesday, December 6, 2022 12:43 PM  
**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>  
**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>  
**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Counsel,

This will respond to the proposal you emailed to us yesterday. Note at the outset that to the extent we agree on these narrower requests, that agreement is without prejudice, and we specifically reserve the right to seek additional documents after we review those produced in response to the voluntarily narrowed requests. In addition, please confirm that you will not redact any produced documents for relevance. For example, if you produce a document in response to Request No. 5 dealing with the drafting of Section 5.2.2, any portions of that communication dealing with the drafting of other provisions will not be redacted. Please note that our tentative agreement to any limitations is subject to our client's final review and approval. We look forward to discussing this on the call this afternoon at 4 pm.

Andrew

\*\*\*\*\*

**Original Request:** Request No. 5: Documents and Communications concerning the drafting and negotiating of the Loan Documents.

**Plaintiffs' Proposal:** Non-privileged Documents and Communications reflecting the drafting and negotiating of Section 5.2.2 of the Mezz Loan Agreement (as defined in the Complaint) from a time period of 01/01/2018-05/08/2018.

**Defendant's Response:** Acceptable as modified.

**Original Request:** Request No. 10: Documents concerning and Communications with Amtrak concerning Union Station.

**Plaintiffs' Proposal:** Documents concerning and Communications with Amtrak concerning the condemnation and the foreclosure of the Mezz Loan from a time period of 01/01/2022-06/14/2022.

**Defendant's Response:** Documents concerning and Communications with Amtrak concerning Union Station from a time period of 05/01/2020-06/14/2022.

**Original Request:** Request No. 12: Documents and Communications reflecting efforts to communicate with or meet with existing or prospective tenants at Union Station.

**Plaintiffs' Proposal:** Documents and Communications with existing or prospective tenants at Union Station with respect to entering into a new lease or continuing a lease (as the case may be) from the time period 05/01/2020-04/14/2022.

**Defendant's Response:** Documents and Communications with existing or prospective tenants at Union Station from the time period 05/01/2020-04/14/2022.

**Original Request:** Request No. 13: Request: Documents and Communications with real estate brokers regarding Union Station.

**Plaintiffs' Proposal:** Documents and communications with real estate brokers concerning entering into a new lease or continuing a lease (as the case may be) with tenants at Union Station from the time period 05/01/2020-4/14/2022.

**Defendant's Response:** Documents and communications with real estate brokers concerning Union Station from the time period 05/01/2020-4/14/2022.

**Original Request:** Request No. 18: Documents and Communications concerning Your right to negotiate settlement agreements in the Condemnation Action.

**Plaintiffs' Proposal:** Documents and Communications with third parties concerning Lender's right to negotiate settlement discussions in the Condemnation Action pursuant to Section 5.2.2 from the time period of 04/14/2022- 06/14/2022.

**Defendant's Response:** Documents and Communications concerning Lender's right to negotiate settlement discussions in the Condemnation Action pursuant to Section 5.2.2 from the time period of 01/1/2022-06/14/2022.

**Original Request:** Request No. 19: Documents and Communications relating to the Equity Investment.

**Plaintiffs' Proposal:** Documents and Communications relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.

**Defendant's Response:** Documents and Communications relating to the Equity Investment from the time period of 01/01/2021-01/05/2022.

**Original Request:** Request No. 20: Communications with Blackrock relating to Union Station.

**Plaintiffs' Proposal:** Communications with Blackrock relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.

**Defendant's Response:** Communications with Blackrock relating to Union Station from the time period of 01/01/2021-01/05/2022.

**Original Request:** Request No. 21: Communications with SL Green relating to Union Station

**Plaintiffs' Proposal:** Communications with SL Green relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.

**Defendant's Response:** Communications with SL Green relating to Union Station from the time period of 01/01/2021-01/05/2022.

**Original Request:** Request No. 22: Communications with Wells Fargo relating to Union Station.

**Plaintiffs' Proposal:** Communications with Wells Fargo relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.

**Defendant's Response:** Communications with Wells Fargo relating to Union Station from the time period of 01/01/2021-01/05/2022.

---

**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Monday, December 5, 2022 2:38 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[lthompson@morrisoncohen.com](mailto:lthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Counsel,

In advance of the meet and confer this afternoon, please see Lender's proposed narrowing of Defendant's open discovery requests.

1. Request No. 5: Documents and Communications concerning the drafting and negotiating of the Loan Documents.
  - a. Narrowed Request No. 5: Non-privileged Documents and Communications reflecting the drafting and negotiating of Section 5.2.2 of the Mezz Loan Agreement (as defined in the Complaint) from a time period of 01/01/2018-05/08/2018.
2. Request No. 10: Documents concerning and Communications with Amtrak concerning Union Station.
  - a. Narrowed Request No. 10: Documents concerning and Communications with Amtrak concerning the condemnation and the foreclosure of the Mezz Loan from a time period of 01/01/2022-06/14/2022.
3. Request No. 12: Documents and Communications reflecting efforts to communicate with or meet with existing or prospective tenants at Union Station.
  - a. Narrowed Request No. 12: Documents and Communications with existing or prospective tenants at Union Station with respect to entering into a new lease or continuing a lease (as the case may be) from the time period 05/01/2020-04/14/2022.
4. Request No. 13: Request: Documents and Communications with real estate brokers regarding Union Station.
  - a. Tailored: Documents and communications with real estate brokers concerning entering into a new lease or continuing a lease (as the case may be) with tenants at Union Station from the time period 05/01/2020-4/14/2022.

5. Request No. 18: Documents and Communications concerning Your right to negotiate settlement agreements in the Condemnation Action.
  - a. Narrowed Request No. 18: Documents and Communications with third parties concerning Lender's right to negotiate settlement discussions in the Condemnation Action pursuant to Section 5.2.2 from the time period of 04/14/2022- 06/14/2022.
6. Request No. 19: Documents and Communications relating to the Equity Investment.
  - a. Narrowed Request No. 19: Documents and Communications relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.
7. Request No. 20: Communications with Blackrock relating to Union Station.
  - a. Narrowed Request No. 20: Communications with Blackrock relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.
8. Request No. 21: Communications with SL Green relating to Union Station.
  - a. Narrowed Request No. 21: Communications with SL Green relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.
9. Request No. 22: Communications with Wells Fargo relating to Union Station.
  - a. Narrowed Request No. 22: Communications with Wells Fargo relating to the Equity Investment from the time period of 04/01/2021-05/21/2021.

We look forward to discussing this afternoon.

Best,  
Mahnoor

**Mahnoor Misbah**

*She/her/hers*

T: 212.735.8671 | F: 917.522.3171

[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)

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New York, NY 10022

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---

**From:** Misbah, Mahnoor

**Sent:** Monday, December 5, 2022 12:01 PM

**To:** 'Andrew W. Breland' <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[ltompson@morrisoncohen.com](mailto:ltompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

4 pm works well for us. Thank you.

**Mahnoor Misbah**

*She/her/hers*

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Monday, December 5, 2022 11:50 AM

**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D.

<[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

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No problem. Due to other commitments this afternoon, 12:30 isn't great for us, and we would have to jump off before 1:00. Could you do 4:00? If not, we can talk at 12:30 and then pick up later today or tomorrow as necessary.

Thanks,  
Andrew

---

**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Monday, December 5, 2022 11:31 AM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D.

<[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Counsel,

Due to an unexpected scheduling conflict, we are requesting to push the meet and confer to 12:30 p.m. Please let us know if you are amenable to that change. Thanks.

**Mahnoor Misbah**

*She/her/hers*

T: 212.735.8671 | F: 917.522.3171

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**From:** Misbah, Mahnoor

**Sent:** Friday, December 2, 2022 3:56 PM

**To:** 'Andrew W. Breland' <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

Confirmed, thanks.

**Mahnoor Misbah**

*She/her/hers*

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Friday, December 2, 2022 3:48 PM

**To:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

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Thanks. We can do a call at noon Monday. Please confirm, and we'll circulate a dial-in.

Thanks,  
Andrew

---

**From:** Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Sent:** Friday, December 2, 2022 3:00 PM

**To:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>; Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary

<[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** RE: Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

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Counsel,

We are not available at 10 AM but are available any time after noon. Please let us know what time works.

Best,  
Mahnoor

**Mahnoor Misbah**

*She/her/hers*

T: 212.735.8671 | F: 917.522.3171

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**From:** Andrew W. Breland <[ABreland@kasowitz.com](mailto:ABreland@kasowitz.com)>

**Sent:** Thursday, December 1, 2022 7:15 PM

**To:** Y. David Scharf <[dscharf@morrisoncohen.com](mailto:dscharf@morrisoncohen.com)>; Thompson, Latisha V. <[ltthompson@morrisoncohen.com](mailto:ltthompson@morrisoncohen.com)>; Roy, Kristin <[kroy@morrisoncohen.com](mailto:kroy@morrisoncohen.com)>; Dockwell, Brett D. <[bdockwell@morrisoncohen.com](mailto:bdockwell@morrisoncohen.com)>; Will, Amber R. <[awill@morrisoncohen.com](mailto:awill@morrisoncohen.com)>; Misbah, Mahnoor <[mmisbah@morrisoncohen.com](mailto:mmisbah@morrisoncohen.com)>

**Cc:** David E. Ross <[DRoss@kasowitz.com](mailto:DRoss@kasowitz.com)>; David J. Mark <[DMark@kasowitz.com](mailto:DMark@kasowitz.com)>; Daniel J. Koevary <[DKoevary@kasowitz.com](mailto:DKoevary@kasowitz.com)>

**Subject:** Daol Rexmark Union Station LLC, et al. v. Union Station Sole Member, LLC, Case No. 22-cv-6649 - Discovery

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Counsel,

In light of the Court's rulings at the conference this afternoon, please advise whether you are available Monday, December 5, at 10AM for a call to meet and confer regarding Defendant's discovery requests in this case. If not, please provide other times you are available to meet that day. Please let us know by the end of the day tomorrow.

As we have stated since receiving your responses to the requests, we are willing to discuss proposals for custodians, search terms, and time periods or any other proposal to streamline the discovery process and alleviate the alleged burden of the discovery. We expect to be able to discuss any proposals you may have during the meet and confer.

Best,



Andrew Breland

Andrew W. Breland  
Kasowitz Benson Torres LLP  
1633 Broadway  
New York, NY 10019  
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